

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Stanley Jones,

Plaintiff,

v.

FACEBOOK, INC., 1601 Willow Road,
Menlo Park, CA 94025, and John Doe,

Defendants.

Case Type: _____

Case No: _____

DECLARATION OF RYAN HAYWARD

I, Ryan Hayward, declare as follows:

1. I submit this declaration in support of Defendant Facebook, Inc.'s ("Facebook") Notice of Removal in the above-captioned matter. I have personal knowledge of the facts set forth herein, and if called to testify as a witness thereto, I could do so competently and under oath.

2. Currently, I am an Associate at Keker, Van Nest & Peters, LLP, in San Francisco, California.

3. On December 11, 2019, Facebook was served with the Summons and Complaint in the above-captioned matter. Attached hereto as Exhibit A is a true and correct copy of that Summons and Complaint.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 27th day of December, 2019, at San Francisco, California.

/s/ Ryan Hayward
RYAN HAYWARD

EXHIBIT A

FORM 1. SUMMONS

State of Minnesota

District Court

County of RAMSEY2ND

Judicial District

STANLEY JONES

Plaintiff,

Court File Number: _____

Case Type: Civil

vs.

Facebook Inc.

Defendant.

SummonsTHIS SUMMONS IS DIRECTED TO Facebook Inc.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you [is attached to this summons] [is on file in the office of the court administrator of the above-named court].* Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 20** DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a **written response** called an Answer within 20** days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20** days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

[7. To be included only if this lawsuit affects title to real property:

THIS LAWSUIT MAY AFFECT OR BRING INTO QUESTION TITLE TO REAL PROPERTY located in _____ County, State of Minnesota, legally described as follows:

[Insert legal description of property]

The object of this action is _____.]

Stanley Jones
Plaintiff's attorney's signature

12-9-19
Dated

STANLEY JONES
Print or type plaintiff's attorney's name

* Use language in the first bracket when the complaint is served with the summons, language in the second bracket when the complaint is filed and the summons is served by publication.

** Use 20 days, except that in the exceptional situations where a different time is allowed by the court in which to answer, the different time should be inserted.

STATE OF MINNESOTA
DISTRICT
COUNTY OF RAMSEY

SECOND JUDICIAL
DISTRICT COURT
CASE TYPE : CIVIL
FILE NUMBER

STANLEY JONES

PLAINTIFF

VS.

COMPLAINT

FACEBOOK INC.
JOHN DOE

DEFENDENT

PLAINTIFF, as and for its cause of action against the above-named defendant states and alleges as follows:

1. Plaintiff Stanley Jones (hereinafter "Plaintiff"), makes the following allegations against Defendants Facebook Inc. and John Doe (hereinafter "Defendants").

DEFINITIONS

2. John Doe - The real name will be substituted once it is learned during the discovery process.
3. Masquerade - a masquerade is a type of attack where the attacker pretends to be the authorized user.
4. All times are Central Standard Time, 'CST'.

PARTIES

5. Plaintiff Stanley Jones ("Plaintiff") is an individual who resides in Minneapolis Mn,
6. Defendant Facebook Inc, located 2345 Rice Street, Suite 230, Roseville MN 55113, is an American online social media and social networking service.
7. Defendant John Doe is the Facebook representative from the Facebook

phone helpline.

FACTUAL ALLEGATIONS

8. On Wednesday, January 9, 2019, the Plaintiff experienced problems connecting his Iphone to Facebook.
9. At 2:43 pm, Plaintiff called the Facebook Helpline.
10. John Doe answered the phone call.
11. Defendant stated the plaintiff's phone needed an upgrade.
12. Defendant claimed he could not give the upgrade because Apple inc had put a block on plaintiff's account for an unpaid bill of \$200.
13. Defendant stated the plaintiff must pay to the defendant \$200 before he could upgrade the Iphone.
14. Plaintiff expressed doubt to the defendant concerning the defendant's legitimacy.
15. At 2:59 pm, the phone call ended in a hostile tone.
16. At 3:22 pm, 22 minutes after the egregious conversation, the defendant hacked into plaintiff's Facebook account without authorization.
17. The defendant then masqueraded himself as the plaintiff using plaintiff's Facebook account.
18. The defendant sent extremely offensive messages to people on plaintiff's Facebook Friend's List.

CAUSE OF ACTION

Plaintiff brings forth the following counts and allegations supporting his cause of action.

Count 1 - FRAUD. Minn. Stat. § 268.182

19. Defendant stated plaintiff owed Apple Inc \$200
20. Defendant misrepresented himself as authorized to collect monies for Apple inc.
21. Defendant stated that the plaintiff's phone could not be upgraded until plaintiff paid \$200 to defendant.
22. Plaintiff contacted apple concerning the \$200 bill and the block on plaintiff's account.
23. Apple Inc denied any block on plaintiff's account.
24. Apple Inc denied plaintiff owed any monies.

Count 2 - UNAUTHORIZED COMPUTER ACCESS. Minn. Stat. § 609.891

25. Defendant intentionally and without authorization logged into plaintiff's Facebook account.

Count 3 - COMPUTER FRAUD AND ABUSE ACT (CFAA)

26. Defendant intentionally and without authorization downloaded a chatbot (Mvirtual assistant) to plaintiff's iphone.

27. This chatbot allowed defendant to masquerade as plaintiff.

Count 4 - CRIMINAL DEFAMATION. MINN. STAT. § 609.765

28. Defendant hacked into plaintiff's facebook account for the sole purpose of committing a crime.

29. Defendant masqueraded as plaintiff.

30. Defendant sent extremely offensive messages to plaintiff's family and friends.

31. Defendants actions caused alienation with plaintiff's family and friends.

Count 5 - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

32. Defendant intentionally hacked into plaintiff's facebook account for the sole intent of causing alienation between plaintiff and his friends and family.

33. Defendant masqueraded as the plaintiff.

34. Defendant's messages were extreme and outrageous.

35. Defendants actions has caused alienation with friends and family.

36. Plaintiff is 64 years old and retired.

37. The loss of lifelong relationships has caused plaintiff emotional distress.

**Count 6 - NONCONSENSUAL DISSEMINATION OF SEXUAL SOLICITATION.
MINN. STAT. § 604.31**

38. Defendant disseminated graphic language without the consent of the person depicted in sending the language.

39. The language depicts sexual acts.

40. Defendant masqueraded as plaintiff.

41. As a member of Facebook, plaintiff had reasonable expectations of privacy.

42. Defendant used the personal information of plaintiff to solicit sexual acts without the plaintiff's consent.

43. Defendant had reason to know this would cause plaintiff to feel harassed.

44. Defendant is liable for damages.

RELIEF

Plaintiff prays for damages of \$10,000 and any further relief the court may deem proper.

VERIFICATION AND ACKNOWLEDGEMENT

A. I have read this document. To the best of my knowledge, information the information, contained in the document is well grounded in fact and is warranted by existing law.

B. I have not been determined by any court in Minnesota or in any other State to be a frivolous litigant or subject to an Order precluding me from serving and filing this document.

C. I am not serving or filing this document for any improper purpose, such as to harass the other party or to cause delay or needless increase in the cost of litigation or to commit a fraud on the Court.

D. I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for any improper purpose, the court can order me to pay money to the other party, including reasonable expenses incurred by the other party because of the serving or filing of this document such as court costs, and reasonable attorneys fees.

Stank Jones 12-9-19
PLAINTIFF

ADDRESS
1611 S 6th St. #1009
MINNEAPOLIS MN 55454
612-839-2604

TELEPHONE

Stanley Jones
1611 S. 6th St.
Apt 1009
Minneapolis, Mn 55454

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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55113

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Facebook INC.
2345 Rice Street, Suite 230
Roseville MN 55113